s1959-82-1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
Notice of Motion No. 881 of 2006
in
SUIT NO. 1959 OF 1982

M/S.GREAVES COTTON LTD. ... Plaintiff
V/S
M/S.P.AMBALAL AND CO. AND ORS. ... Defendants

Mr. Shaikh i/b.
THAKORDAS AND MADGAVKAR for plaintiff.
Ms. L. Meenashi i/b.
SHAH AND SANGHAVI for defendant nos. 1 and 2.
Ms. S. K. Mistry for defendant no.3.

CORAM: **D.G. KARNIK J.**

DATE: March , 2, 2007

P.C.:

1. Heard learned counsel for the parties. This Notice of Motion is taken out by the defendant no.3 for permission to file the written statement. The suit is 25 years old. The delay in filing the written statement is gross. In para 2 of the affidavit in support of the Notice of Motion the defendant has submitted that the suit summons was served on him long back and that he had not taken out any steps for filing of the written statement. Learned counsel for the plaintiff submits that since the delay is of 25 years exemplary costs may be awarded. The submission is accepted and the

defendant is permitted to file the written statement within 2 weeks, subject to payment of Rs.25,000/- as costs. Payment of costs is condition precedent.

(D.G. KARNIK J.)